

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WILLIE SUMPTER,

Plaintiff,

9:05-CV-0868
(TJM)(DEP)

v.

D. SKIFF, Counselor, Gouverneur Correctional Facility;
LUCIEN J. LECLAIRE, JR., Deputy Commissioner,

Defendants.

APPEARANCES:

WILLIE SUMPTER
Plaintiff, *pro se*
03-R-5377
Gouverneur Correctional Facility
PO Box 480
Scotch Settlement Road
Gouverneur, NY 13642

THOMAS J. MCAVOY, U.S. DISTRICT JUDGE

ORDER

Presently before the Court is an amended complaint and an application to proceed *in forma pauperis* filed by Willie Sumpter ("Sumpter"). Docket No. 5. Such complaint was submitted by Sumpter in compliance with the Order issued by this Court on July 25, 2005.

Since the amended complaint filed by Sumpter appears to cure the defects that existed in his prior complaint, same may properly be filed with the Court.

As to plaintiff's *in forma pauperis* application, after reviewing the entire file, the Court finds that the plaintiff may properly proceed with this matter *in forma pauperis*.

WHEREFORE, it is hereby

ORDERED, that the Clerk amend the Court's docket to reflect the caption and parties as listed in the amended complaint, and it is further

ORDERED, that plaintiff's *in forma pauperis* application is granted.¹ The Clerk shall issue summonses and forward them, along with copies of the amended complaint, to the United States Marshal for service upon the defendants, together with a copy of this Order, and it is further

ORDERED, that the Clerk provide the Superintendent of the facility, designated by plaintiff as his current location, with a copy of plaintiff's authorization form, and notify the official that this action has been filed and that plaintiff is required to pay the entire statutory filing fee of \$250.00 pursuant to 28 U.S.C. § 1915, and it is further

ORDERED, that the Clerk provide a copy of plaintiff's authorization form to the Financial Deputy of the Clerk's Office, and it is further

ORDERED, that a formal response to plaintiff's complaint be filed by the defendants or their counsel as provided for in the Federal Rules of Civil Procedure subsequent to service of process on the defendants, and it is further

ORDERED, that all pleadings, motions and other documents relating to this action shall be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367. **Any paper sent by a party to the Court or the Clerk shall be accompanied by a certificate setting forth the date a true and correct copy of**

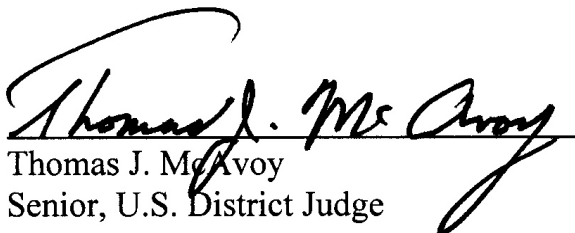
¹ Plaintiff should note that although the application to proceed *in forma pauperis* has been granted, plaintiff will still be required to pay fees that he may incur in this action, including copying and/or witness fees.

same was mailed to all opposing parties or their counsel. Any letter or other document received by the Clerk or the Court which does not include a certificate of service which clearly states that an identical copy of same was served upon all opposing parties or their attorneys is to be returned without processing.

Plaintiff shall also comply with any requests by the Clerk's Office for any documents that are necessary to maintain this action. Motions must comply with Local Rule 7.1 of the Northern District of New York and are to be made returnable before the assigned Magistrate Judge on any business day with proper allowance for notice as required by the Rules. Plaintiff is also required to promptly notify the Clerk's Office of any change in his address; his failure to keep such office apprised of his current address will result in the dismissal of the instant action. All motions will be decided on submitted papers, without oral argument, unless otherwise ordered by this Court.

IT IS SO ORDERED.

Dated November 17, 2005


Thomas J. McAvoy
Senior, U.S. District Judge